

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ANILDA RODRIGUES, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

BOSTON COLLEGE,

Defendant.

Civil Action No. 1:20-cv-11662-RWZ

**DECLARATION OF ANTON METLITSKY IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS THE COMPLAINT**

I, Anton Metlitsky, declare:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, attorneys of record for Defendant Boston College¹ in this matter. I am licensed to practice law in the State of New York and the District of Columbia. I was admitted *pro hac vice* in this matter. I submit this declaration in support of Defendant's Motion to Dismiss the Complaint. The following facts are true and correct to the best of my knowledge, information, and belief.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an excerpt of the introduction to the 2019-2020 Boston College University Catalog. I obtained Exhibit 1 from Boston College's website at https://www.bc.edu/content/dam/files/offices/stserv/catalog/2019-2020_BC-University-Catalog.pdf (saved as an exhibit on October 20, 2020).

3. Attached hereto as **Exhibit 2** is a true and correct copy of an excerpt of the Tuition & Fees section of the 2019-2020 Boston College University Catalog. I obtained Exhibit 2 from Boston College's website at https://www.bc.edu/content/dam/files/offices/stserv/catalog/2019-2020_BC-University-Catalog.pdf (saved as an exhibit on November 3, 2020).

4. Attached hereto as **Exhibit 3** is a true and correct copy of a March 11, 2020 Letter from William P. Leahy, the President of Boston College, to Members of the Boston College Community. I obtained Exhibit 3 from a March 12, 2020 archival copy of Boston College's website at <https://www.bc.edu/content/bc-web/sites/updates/coronavirus/mar11.html> (saved as an exhibit on November 9, 2020).

5. Attached hereto as **Exhibit 4** is a true and correct copy of an April 15, 2020 Letter

¹ The Trustees of Boston College is the legal entity comprising Boston College, and is the proper party to this litigation.

from William P. Leahy, the President of Boston College, to Members of the Boston College Community. I obtained Exhibit 4 from Boston College's website at <https://www.bc.edu/content/bc-web/sites/updates/coronavirus/apr-15-president-letter.html> (saved as an exhibit on October 28, 2020).

6. Attached hereto as **Exhibit 5** is a true and correct copy of Boston College's Summer Registration website (<https://www.bc.edu/bc-web/offices/student-services/registrar/course-registration/summer-registration.html>) as of May 15, 2020. I obtained Exhibit 5 from Boston College.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a July 6, 2020 Letter from Michael Lochhead, Executive Vice President of Boston College, and David Quigley, Provost and Dean of Faculties of Boston College, to Members of the Boston College Community. I obtained Exhibit 6 from Boston College's website at <https://www.bc.edu/content/bc-web/sites/reopening-boston-college/bc-updates/updates/letter-on-reopening.html> (saved as an exhibit on November 3, 2020).

8. Attached hereto as **Exhibit 7** is a true and correct copy of Boston College's Summer Registration website as of October 28, 2020. I obtained Exhibit 7 from Boston College's website at <https://www.bc.edu/bc-web/offices/student-services/registrar/course-registration/summer-registration.html> (saved as an exhibit on October 28, 2020).

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Tuition & Fees section of the 2020-2021 Boston College University Catalog. I obtained Exhibit 8 from Boston College's website at https://www.bc.edu/bc-web/offices/student-services/billing-student-accounts/tuition-fees.html#tuition_refund_schedule (saved as an exhibit on October 28, 2020).

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Credit Hour

Compliance website as of November 10, 2020. I obtained Exhibit 9 from Boston College's website at <https://www.bc.edu/bc-web/academics/sites/provost/documents-and-reports/credithrcomp.html> (saved as an exhibit on November 10, 2020).

11. Attached hereto as **Exhibit 10** is a true and correct copy of the Tuition & Aid section of the Woods College of Advancing Studies website as of November 10, 2020. I obtained Exhibit 10 from Boston College's website at <https://www.bc.edu/bc-web/schools/wcas/admission-and-aid/tuition-and-financial-aid.html> (saved as an exhibit on November 10, 2020).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on November 12, 2020 in New York, New York.


Anton Metlitsky

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 12, 2020.

/s/ Anton Metlitsky
Anton Metlitsky (*pro hac vice*)